

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 4/10/2025

April 9, 2025

VIA ECF

Hon. Analisa Torres
United States District Judge
Southern District of New York
500 Pearl St.
New York, NY 10007-1312

BRENDAN M. PALFREYMAN
MEMBER
DIRECT: (315) 214.2161
BPALFREYMAN@HARRISBEACHMURTHA.COM

Re: *Choice Logistics, Inc. v. Premier Value Express, Inc. d/b/a Premier Express*,
Civil Action No. 1:25-cv-02187-AT

Dear Judge Torres:

We represent Plaintiff Choice Logistics, Inc. (“Choice Logistics”) in the above-referenced matter. Please consider this a response to the Court’s Order dated March 28, 2025 (ECF No. 24) seeking a joint status report update on settlement efforts.

I emailed Mr. Massicotte, president of Defendant Premier Value Express, Inc. (“Premier Express”) at 12:12 p.m. today, April 9, 2025, asking him to please get in touch with me in relation to this joint status report. As of the filing of this letter, he has not responded to that email.

However, I am pleased to report that Mr. Massicotte executed a settlement agreement, a copy of which is attached hereto as **Exhibit A** (the “Agreement”). Pursuant to the Agreement, Premier Express will keep the Albany and Syracuse warehouses open and operational through April 30, 2025.

Further, pursuant to Paragraph 3 of the Agreement, and subject to being “so ordered” by the Court, the parties jointly and respectfully that the Order to Show Cause (ECF No. 5) be held in abeyance until May 1, 2025. On May 1, 2025, Choice Logistics would file a status report with the Court indicating whether the Order to Show has been mooted. Choice Logistics would also inform the Court at that time if Choice Logistics will be dismissing the action in its entirety.

In accordance with Your Honor’s Individual Rule I.C, Choice Logistics respectfully requests that the conference set for April 14, 2025 be adjourned without date, or to a date after May 1, 2025. The original date of the conference was March 24, 2025, and it was previously adjourned to March 31, 2025. Two prior requests for adjournment have been made. By signing the Agreement, Dale Massicotte, the President of Premier Express, consented to the adjournment requested herein.

In summary, the parties jointly request that: (i) the Order to Show Cause (ECF No. 5) be held in abeyance until May 1, 2025; (ii) that the Court require Choice Logistics to file a status report on May 1, 2025 indicating whether the Order to Show Cause has been mooted and if the



March 28, 2025
Page 2

action will be dismissed in its entirety; and (iii) that the Court “so order” the Agreement attached here as Exhibit A.

Should the Court have any questions or concerns, please do not hesitate to contact me.

Respectfully submitted,

/s/ Brendan M. Palfreyman
Brendan M. Palfreyman

cc: Counsel of record (via ECF)
Dale Massicotte (via email: d.massicotte@premierexpress.net)

GRANTED. Plaintiff's motion for a temporary restraining order, ECF No. 5, is HELD IN ABEYANCE until **May 1, 2025**. On **May 1, 2025**, Plaintiff shall file a status report indicating whether the motion is moot and the action should be dismissed in its entirety. Additionally, the conference scheduled for April 14, 2025, is ADJOURNED *sine die*.

SO ORDERED.

Dated: April 10, 2025
New York, New York



ANALISA TORRES
United States District Judge